

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH.

Date of Decision:-17.11.2006

General Manager PRTC, Patiala and another ..Appellants

Versus

Swaran Singh ..Respondent

CORAM: **HON'BLE MR. JUSTICE VINEY MITTAL**
HON'BLE MR. JUSTICE H.S.BHALLA

Present:- Mr. R.S.Ahluwalia, Advocate,
for the appellants.

H.S.BHALLA, J.

This appeal is directed against the award dated April 20,2006 passed by Motor Accident Claims Tribunal, (Adhoc) Patiala (hereinafter referred to as "the Tribunal") praying for setting aside the award passed against the appellants, who are driver and owner of the offending bus bearing registration No.PB-11E-9624 was held liable jointly and severally to pay compensation to the claimant-respondent, who became disabled permanently in a vehicular accident.

Briefly stated the facts of the case are that on 31.7.2003 at about 03.15 P.M., Swaran Singh, the respondent-claimant, was sitting on the motorcycle bearing registration No.PB-10-AE-0881, Make 'K.Bajaj' as a pillion rider. The motorcycle was being driven by Harchand Singh. The respondent had gone to Cooperative Bank, Gulzarpura for getting payment and after he received the money from the bank, they went to Khanauri Mandi and when they reached in the area of village Shergarh, a bus bearing registration No. PB-11E-9624 of PEPSU Roadways, which was being driven by Pargat Singh, resident of Sappar Heri, came from Shergarh side at a fast speed and it was being driven rashly and negligently by

respondent No.1 and struck against the claimant after going on left side of kacha portion of the road. Both the driver of the motorcycle and the pillion rider suffered injuries and the motorcycle was badly damaged. The driver of the bus ran away from the spot. The driver of the bus caused the accident to the claimant by driving it rashly and negligently. On the statement made by the injured claimant Swaran Singh, a case under Sections 279/337/338 and 427 of the Indian Penal Code was registered against the driver of the bus.

The learned Tribunal, after going through the oral as well as documentary evidence available on the record, allowed the claim petition filed by the claimant vide its award dated April 20,2006, the operative part of which runs as under:-

“ In view of the above findings claim petition succeeds and award for the sum of Rs.1,80,000/- is passed in favour of the claimant and against both respondent Nos.1 and 2 who are jointly and severally responsible and liable to pay the above amount to the claimant and to deposit the same in the nearest nationalised Bank of the choice of the claimant within two months failing which they will liable to pay future interest @ 6% P.A. from the date of award till the realisation of the amount and counsel fee is assessed Rs.500/-. File be consigned.”

We have heard the learned counsel for the appellant.

Justice ordinarily demands that every case must reach its destination, not interrupted enroute. We have also gone through the award passed by the learned Tribunal and find that it is a well reasoned and the learned counsel appearing for the appellant-PRTC has not been able to point out any glaring defect in the procedure adopted by the learned Tribunal nor any manifest error on the point of law could be pointed out, which resulted in flagrant miscarriage of justice. Moreover, in

cases of accident claims, economic object to be achieved by the statutory provision should be the paramount consideration with the learned Tribunal. Learned counsel appearing for the appellant-PRTC has not been able to point out any infirmity in the finding recorded by the learned Tribunal that the driver of the bus did not cause accident with the motor-cycle bearing registration No. PB-10-AE-0881 on the rear seat of which claimant Swaran Singh was sitting, who got 70% permanent disability on account of the accident. The learned Tribunal, after going through the evidence on record, held respondent Nos. 1 and 2, i.e., driver and owner of the offending bus bearing registration No. PB-11E-9624 responsible and liable to pay compensation to the claimant jointly and severally. In our considered view, the learned Tribunal has rightly come to the conclusion that respondent Nos. 1 and 2 are liable to pay compensation to the claimant. We do not find any illegality or impropriety in the finding recorded by the learned Tribunal, which is based on appreciation of the ocular as well as documentary evidence available on the record and as such, it is hereby affirmed calling no interference therein. There are nothing to be set right in the findings recorded under various issues framed by the learned Tribunal while passing its award dated April 20,2006 in favour of the claimant.

In view of the above discussion, we find no illegality and infirmity in the award dated April 20,2006 passed by the learned Tribunal. Accordingly, appeal filed by the appellant-PRTC is dismissed in limine.

(H.S.BHALLA)
JUDGE

(VINEY MITTAL)
JUDGE

17.11.2006
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